

CHAPTER VIII
PLACEMENT DECISIONS
707 KAR 1:350

TABLE OF CONTENTS

SECTION 1. PLACEMENT DECISIONS.....	1
Participation with Children Who Are Not Disabled	1
First Placement Consideration Is the Regular Classroom.....	2
Same School as Non-Disabled Peers	3
Continuum of Alternative Placements	4
ARC Determination of Placement.....	5
Placement Issues.....	6
Change in Placement/Services	7
Shortened School Day	8
Release from Special Education and Related Services	8
Transfer to Another District or Educational Agency.....	9
Release Due to Withdrawal from School	9
Graduation	9
Completion of Non-Diploma (Certificate)Program	10
Release Due to Aging Out.....	10
SECTION 2. CLASS SIZE.	11
Special Class Caseload.....	11
Resource Class Size	11
Placement for Children with Autism, Deaf-blindness and Developmental Delay.....	12
Caseload of the Teacher Serving in a Collaborative Model.....	12
Waiver of Caseload or Class size Limits	12
SECTION 3. CASE LOAD FOR RESOURCE TEACHERS.....	13
PLACEMENT DECISION RESOURCES.....	14
OSEP and IDEA Partnership Approved Materials:	14
Relevant KY Statutes and Regulations:	14
Pertinent Case Law (in order by date of decision):	14

SECTION 1. PLACEMENT DECISIONS

A LEA shall ensure that to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled.

In determining the educational placement of a child with a disability, the LEA shall ensure that the placement decision is made by the ARC in conformity with the least restrictive environment provisions.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, a LEA shall ensure that a child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of the child.

Participation with Children Who Are Not Disabled

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled. All services and educational placements must be individually determined in the light of each child's unique abilities and needs, to reasonably promote educational success.

“The least restrictive environment (LRE) principle does not mandate regular class for every disabled child. IDEA does presume that the first placement option considered by the placement team (ARC) for each child with a disability is the school the child would attend if not disabled, with supplementary aids and services to facilitate such placement. Thus before a child with a disability can be placed outside of the regular education environment, the full range of supplementary aids and services that if provided would facilitate the student's placement in the regular education classroom setting must be considered.” (IDEA Federal Comments, p. 12471)

The ARC determines that the placement alternative and location for each child with a disability:

- a. is chronologically age-appropriate; and
- b. provides an opportunity for interaction with children who are not
- c. disabled.

During the placement process, and when a specific location is being discussed, the ARC considers, for example, the following criteria to determine if participation with children who are not disabled is to the maximum extent appropriate:

- a. The location is a regular school building.
- b. The location is a part of a regular school campus.
- c. Typical activities are available for personal and social interaction of children who have disabilities with similar aged children who do not have disabilities (e.g., meals, recess, clubs, etc).
- d. Typical activities are available for academic interaction of children who have disabilities with similar aged children who do not have disabilities.
- e. Children with disabilities use school resources simultaneously with similar aged children who do not have disabilities. Typical activities are available for recreational interaction

- f. of children who have disabilities with similar aged children who do not have disabilities (e.g., sporting events, dances, etc.).
- g. The location supports transition outcomes aimed at self-sufficiency and independent living in the community.

If such criteria are met, then the child will be able to participate with children who are not disabled in the regular program to the maximum extent appropriate.

If such criteria are not met, then the ARC specifies any conditions, modifications, or adaptations for participation with children who are not disabled in the regular program to the maximum extent appropriate. The recorder writes any specifications on the IEP.

The recorder documents on the meeting summary the ARC's decisions.

First Placement Consideration Is the Regular Classroom

The LEA shall ensure that special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if education in the regular education environment with the use of supplementary aids and services cannot be satisfactorily achieved due to the nature or severity of the disability.

A child with a disability shall not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

The LEA shall make provision for supplementary services to be provided in conjunction with regular class placement.

The first placement alternative considered by the ARC for implementing the IEP of a specific child with an educational disability is full-time in the regular education class in a regular school, or in the place where the child would be if not disabled (e.g., for pre-school child, day-care or home).

The term supplementary aids and services means aids, services, and other supports that are provided in regular education classes or other education related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate (Chapter I, Definitions).

Each ARC specifies in writing the needed changes in the regular education environment to implement the IEP. When appropriate, such changes may include, for example:

- a. changing the physical environment (e.g., preferential seating, special lighting);
- b. using supplementary aids and services (e.g., large print books);
- c. reorganizing staff patterns (e.g., adding an instructional aide, changing teacher assignments);
- d. implementing different modes of instruction (e.g., whole language approach, cooperative learning, behavioral instruction, modeling);
- e. making adaptations to the curricula (e.g., learning strategies, social skills); or

- f. training personnel (e.g., special instruction techniques, positive behavior interventions, strategies, etc.).

The following comments from the Federal Register offer guidance in determining a child's placement when behavior supports are necessary.

“The IEP team, in developing the IEP, is required to consider, when appropriate, strategies, including positive behavioral interventions, strategies and supports to address the behavior of a child with a disability whose behavior impedes his or her learning or that of others. If the IEP team determines that such supports, strategies or interventions are necessary to address the behavior of the child, those services must be included in the child's IEP. These provisions are designed to foster increased participation of children with disabilities in regular education environments or other less restrictive environments, not to serve as a basis for placing children with disabilities in more restrictive settings.

The determination of appropriate placement for a child whose behavior is interfering with the education of others requires careful consideration of whether the child can appropriately function in the regular classroom if provided appropriate behavioral supports, strategies and interventions. If the child can appropriately function in the regular classroom with appropriate behavioral supports, strategies or interventions, placement in a more restrictive environment would be inconsistent with the least restrictive environment provisions of the IDEA. If the child's behavior in the regular classroom, even with the provision of appropriate behavioral supports, strategies or interventions, would significantly impair the learning of others, that placement would not meet his or her needs and would not be appropriate for that child.” (Federal Appendix A, Q & A #39)

If an IEP is to be implemented in a setting other than, or in addition to, the regular education classroom, the ARC describes in writing on the IEP the extent to which the child will not participate in regular classes.

The KLEA takes steps to provide children with disabilities equal opportunities for on-going participation in the same programs and activities as are available to children without disabilities.

Same School as Non-Disabled Peers

Unless the IEP of a child with a disability requires some other arrangement, the child shall be educated in the school that he would attend if nondisabled.

If the ARC selects the location where the child would be if not disabled as the appropriate placement, then the child participates in the same variety of educational programs and services that is available to the children without disabilities at that location. The ARC specifies any modifications or adaptations that are necessary for the participation of the child in the educational programs or services in the IEP.

When the IEP cannot be implemented in the child's home school location, and the ARC therefore selects another location as the appropriate placement, then the ARC specifies the steps

KLEA will take to provide for participation of the child in the variety of educational programs and services in the IEP.

The ARC asks the following question:

Is the variety of programs and services in the location selected the same as the variety of programs and services in the location where the child would be if not disabled?

If the answer is "yes", the recorder documents the ARC decision on the meeting summary. If the answer is "no", the ARC determines what modifications or arrangements are necessary to provide the educational programs and services. The recorder documents in the IEP the steps that KLEA will take to provide the educational programs and services.

The building principal or the DoSE makes arrangements specified in the IEP including, when necessary, the specification of modifications or arrangements in the contract with another agency.

Continuum of Alternative Placements

A LEA shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.
The continuum shall include the alternative placements of:

- (a) instruction in regular classes;
- (b) special classes;
- (c) special schools;
- (d) home instruction; and
- (e) instruction in hospitals and institutions.

"A child need not fail in the regular classroom before another placement can be considered. Conversely, IDEA does not require that a student demonstrate achievement of a specific performance level as prerequisite for placement into a regular classroom". (IDEA Federal Comments, p. 12471)

The KLEA makes available a continuum of alternative placements to meet the specially designed instruction and related services needs of children with disabilities.

The continuum of placement alternatives:

- a. includes, but is not limited to, instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions;
- b. makes provision for supplementary services (such as resource or itinerant instruction) to be provided in conjunction with regular class placement; and
- c. is available to the extent necessary to implement the IEP for each child with a disability.

(NOTE: "Makes available" does not mean that each alternative placement is located within the geographical boundaries of KLEA.)

The DoSE or building principal arranges for a variety of placement decisions to be implemented in order for each child with disabilities to receive the special education and related services specified on the IEP.

Placement decisions are documented on the IEP and described in terms of:

- a. Type of Service;
- b. Anticipated Frequency of Service;
- c. Anticipated Duration of Service; and
- d. Location of Service.

ARC Determination of Placement

A child's placement shall be:

- (a) determined at least annually;
- (b) based on the child's IEP; and
- (c) as close as possible to the child's home.

In selecting the least restrictive environment, consideration shall be given to any potential harmful effects on the child or on the quality of services that he needs.

Each ARC shall ensure that the decision regarding the setting (types of classes, schools or facilities and locations) in which the IEP is to be implemented shall be made after all parts of the IEP have been completed.

Each ARC makes a placement decision based on the IEP of the child and the continuum of placement alternatives.

If the placement decision requires an out-of-district location, or a location other than a KLEA school or facility, then the KLEA Representative contacts the DoSE and requests that the DoSE attend an ARC meeting to consider the child attending or being enrolled in the location (see procedures in Chapter V, FAPE, Sections 1 and 2).

In selecting locations, the ARC identifies any potentially harmful effects of the placement on the child or on the quality of services required. The ARC specifies in writing modifications to be made to compensate for any identified harmful effects. For example, if the child's interaction with nondisabled students is severely restricted, the ARC may explain that the long-range positive benefits of the intensive supports needed by the child at this time outweigh the temporary restriction of peer interactions.

An ARC determines placement in the least restrictive environment for a child with a disability on an annual basis. At least once each calendar year, each ARC reviews and revises the IEP and determines the educational placement of each child with a disability who is receiving specially designed instruction and related services. (See Chapter V, IEP, Section 2)

The ARC reviews all progress, evaluation data and reports to determine and document the degree of progress and achievement toward meeting IEP goals and objectives or benchmarks. Progress

and achievement are considered adequate when the child is meeting criteria at the rate and level specified in the IEP. Progress and achievement are considered inadequate when the child consistently fails to meet criteria at the rate and level specified in the IEP.

The KLEA Representative brings to the meeting information about the continuum of placement alternatives, locations, variety of educational programs and services, academic programs, non-academic services and activities, and extra-curricular activities available to KLEA students.

At the beginning of each ARC meeting when placement is to be determined, the KLEA Representative reviews the parent's rights according to procedures in Chapter VII, Procedural Safeguards; the process used to develop an IEP (Chapter V, IEP); and the ARC process for determining placement in the least restrictive environment (see procedures in this section).

When the placement decision is made during a meeting in which an IEP is completed, then the ARC members use the completed IEP and any additional information brought to the meeting to make the placement decision. If the meeting to determine placement is held separate from the meeting to write the IEP, the KLEA Representative has copies of the IEP available for ARC members.

If, when the ARC reviews the IEP, the date on the IEP is more than one calendar year from the current date, the ARC stops the placement process and reviews and revises the IEP according to procedures in Chapter V, Individual Education Program.

If, when the ARC reviews the IEP, the committee finds the IEP incomplete, the ARC stops the placement process and reviews and revises the IEP to be completed according to procedures in Chapter V, Individual Education Program.

Placement Issues

The ARC makes a placement decision based on the revised IEP and the requirements of the procedures for LRE related to:

- a. placement alternatives;
- b. harmful effects;
- c. participation with children who are not disabled;
- d. variety of services; and
- e. non-academic and extra-curricular activities.

Each time the ARC makes a placement decision, the ARC first considers full-time placement in the regular classes in the school the child would attend if not disabled. If at any time in the process the ARC determines a placement is not appropriate, the ARC selects a different alternative and repeats the placement decision making process.

In all cases, placement decisions must be individually determined on the basis of each child's abilities and needs, and not solely on factors such as:

- a. the category of disability of the child;
- b. significance of the disability;

- c. availability of special education and related services;
- d. configuration of the service delivery system;
- e. availability of space; or
- f. administrative convenience. (IDEA Federal Comments, p. 12471.)

If at any point during a meeting an ARC member believes that there is insufficient data to make a placement decision, and the other ARC members concur, then the KLEA Representative schedules another meeting to determine placement and assigns ARC members and others further data collection duties. The child continues in the current placement unless the ARC develops, and the parent agrees to, an interim course of action as described in "Decision Making Process" in Chapter V, IEP, Section 2. The recorder documents each concern and decision in the meeting summary.

If the parent and KLEA cannot reach consensus on an interim measure, then the parent or KLEA may request mediation or a due process hearing according to procedures in Chapter VII, Procedural Safeguards.

If the ARC does not complete the placement decision, the ARC members agree upon a convenient date, location and time to continue the meeting to complete the decision making process. The recorder writes on the meeting summary the date for the next meeting. A reconvened meeting is held **within ten (10) school days** of the ARC meeting.

When the placement decision is made, the KLEA Representative gives notice of proposed or refused action to the parent of the child according to Chapter VII, Procedural Safeguards. If this is an initial placement, the KLEA Representative requests that the parent sign a consent for special education and related services for the child with disabilities in a program providing specially designed instruction and related services.

If the parent does not attend the meeting, the KLEA Representative sends the notice of proposed or refused action to the parent with a request for consent for initial services if appropriate.

If a parent wishes a child to attend another school for reasons other than educational need (e.g., location of babysitter), this is not a placement decision for the ARC. That parent must request that a change in schools be approved in accordance with KLEA procedures that are applicable to all children.

Change in Placement/Services

Change of placement/services decisions are subject to established ARC procedures based on placement in the least restrictive environment. Change in services includes:

- a. initiation of, or changes in, specially designed instruction and related services;
- b. change in special education setting (e.g., regular class to resource class; resource class to special class, shortened school day, etc.);
- c. release due to concluding specially designed instruction and related services and resuming full-time regular education services;

- d. disciplinary removals may be a change in placement (see Chapter VII, Sections 10-12, Procedural Safeguards);
- e. graduation
- f. certificate of completion prior to aging out; and
- g. aging out.

The ARC determines the placement, or makes a change in placement, for a child and youth with a disability who is receiving special education and related services by reviewing and revising the IEP as necessary, and in accordance with procedures in this Chapter.

The ARC must redetermine placement in the least restrictive environment :

- a. at least annually and before the scheduled IEP review date expires;
 - b. when the parent(s) requests a meeting to consider placement;
 - c. when an implementer or other ARC member requests a meeting because data indicate that the IEP or placement may not be appropriate for the child; or
 - d. when long term removal (suspension or expulsion) is being considered for a child.
- The ARC follows procedures for a disciplinary change in placement as described in Chapter VII, Procedural Safeguards.

Except in the case of annual review, the person making the request for placement review contacts the KLEA Representative and asks for a meeting.

Shortened School Day

School day” means any day, including a partial day, that children are in attendance at school for instructional purposes. School day means the same thing for all children in school, including children with or without disabilities. (Chapter I, Definitions)

The exemption from compulsory attendance as stated in KRS 159.030 may be applied to a child with a disability whose condition warrants less than a full day of attendance. Following district procedures that apply to all children, the KLEA Board of Education may grant this exemption from full day attendance. In this event, the ARC will meet to review and revise the IEP, as appropriate. The DoSE will notify the Division of Exceptional Child Services of this local board decision, using a form provided by DECS for this purpose.

Release from Special Education and Related Services

The ARC releases a child when he or she concludes specially designed instruction and related services and resumes full-time regular education services. Each child released by the ARC is returned to the class, school and location where he or she would be if not disabled and in need of specially designed instruction and related services.

Transfer to Another District or Educational Agency

Transfer means the child leaves a particular school district's programs and enrolls in another educational program. Transfer procedures for a child with a disability are the same as those for a child without a disability. (See Chapter V, IEP, Section 2)

Release Due to Withdrawal from School

Withdrawal means that a youth leaves the educational system prior to completing the prescribed course of study. Withdrawal procedures are the same for a youth with a disability as those for a youth without a disability.

Graduation

Graduate means a child completes the established program of study leading to the receipt of a diploma and therefore leaves the school system.

Each youth with a disability in KLEA has an opportunity to complete high school in the same manner and following the course of study available to youth who are not disabled. KLEA grants a high school diploma to each youth with a disability who meets the required graduation criteria and standards as established by the State Board of Education. KLEA personnel do not act in any way to prevent a youth with a disability from obtaining a high school diploma. The KLEA Board of Education grants a youth with a disability a diploma as part of the graduating class, and no distinction is made in the ceremonies. Each youth with a disability who completes the secondary program is given the opportunity to participate in graduation ceremonies with peers who are not disabled.

KLEA issues the same high school diploma to each youth with a disability who meets the required graduation criteria and standards as that issued to youth without disabilities who meet the same criteria. The ARC plans an appropriate multi-year course of study leading to graduation and a diploma for a youth no later than age fourteen (14) according to procedures in Chapter V, IEP, Section 6.

It is recommended that at the annual review meeting prior to a youth's expected graduation date, the ARC:

- a. reviews the youth's progress in the current program;
- b. reviews, and revises if appropriate, the IEP;
- c. determines if the youth meets, or is scheduled to complete at the conclusion of the coming school year, the requirements for graduation by checking earned credits in the youth's education record against the requirements established by the State Board of Education;
- d. determines any support or assistance the youth needs for successful participation in the commencement ceremonies (diploma in Braille, wheelchair access, etc.); and
- e. documents on the meeting summary, or IEP as appropriate, all decisions of the committee.

Graduation is a change in services in that the eligibility for special education and related services ceases upon program completion. A child's graduation is subject to notice requirements according to procedures in Chapter VII, Procedural Safeguards, Section 3. However, there is no requirement for a reevaluation prior to this change in placement. (See Chapter IV, Eligibility)

Upon completion of the minimum requirements for graduation, the youth participates in commencement exercises according to school commencement procedures and receives a diploma with no distinction regarding disability made to the ceremony.

Completion of Non-Diploma (Certificate)Program

A child with a disability who is prevented by a cognitive impairment from meeting the same criteria for graduation as youth without disabilities and who meets the criteria for an alternative portfolio is issued a certificate of program completion upon completing a program designed by the ARC.

It is suggested that at the annual review meeting prior to a child completing requirements for a certificate of completion, the ARC:

- a. reviews the youth's progress in the current program;
- b. reviews/revises the IEP;
- c. schedules a reevaluation (if the child is not also aging out) and meets again to review results and determine completion of program;
- d. determines any support or assistance the youth needs for successful participation in the commencement ceremonies; and
- e. documents the decisions of the committee in the meeting minutes.

School completion with a certification of completion, and not a diploma, is a change of placement that requires a reevaluation. If the youth is not also "aging out", specific decisions must be documented by the ARC that the youth has completed his public school education, and it must be realized that the youth could return to school until aging out.

The youth participates in commencement exercises according to school commencement procedures and receives a certificate of completion with no distinction regarding disability made to the ceremony.

Release Due to Aging Out

Ages out means the age of the youth exceeds the mandated service age for a free appropriate public education (twenty-first birthday) and the school district is no longer required to provide special education and related services to the youth. This is a change of placement, however a reevaluation is not required for a child who is exceeding the age eligibility for FAPE (Chapter IV, Eligibility).

Each spring, the DoSE sends to the teacher a Child Tracking System report that identifies any youth with a disability who is over age 19 and not identified as a last-year student (senior). During the IEP annual review meeting, the KLEA Representative discusses with the parent the

meaning of "aging out" and that specially designed instruction and related services will cease when the youth ages out. At the annual review, the ARC reviews the IEP and specifies needed programs and services so that the youth can receive needed transition services and be referred to appropriate adult services prior to aging out. (See Chapter V, IEP, Section 6.)

It is recommended that at the annual review meeting prior to the youth's 21st birthday, the ARC:

- a. reviews the youth's progress in the current program;
- b. reviews/revises the IEP; and
- c. determines the last date of services based on the youth's 21st birthday.

The recorder states all ARC decisions on the Conference Summary. A copy of the Conference Summary is placed in the student file and a copy is sent to the Student Representative.

SECTION 2. CLASS SIZE.

Special Class Caseload

A LEA shall provide special education according to caseload for special classes for each child with a disability as follows:

- (a) emotional-behavior disability is eight (8);
- (b) functional mental disability is ten (10);
- (c) hearing impairment is six (6);
- (d) mild mental disability for primary is fifteen (15) and for secondary is fifteen (15);
- (e) multiple disabilities is ten (10);
- (f) orthopedic impairment is sixteen (16);
- (g) other health impairment is sixteen (16);
- (h) specific learning disability for primary is ten (10) and for secondary is fifteen (15); and
- (i) visual impairment is ten (10).

Special class means a special education class established to serve only children with disabilities who need a comprehensive, self-contained, specially designed instructional program in a highly structured environment for the majority of the entire school day.

Resource Class Size

A LEA shall provide special education according to class size for resource classes for each child with a disability as follows:

- (a) emotional-behavior disability is eight (8);
- (b) functional mental disability is eight (8);
- (c) hearing impairment is eight (8);
- (d) mild mental disability is ten (10);
- (e) multiple disabilities is eight (8);
- (f) orthopedic impairment is ten (10);
- (g) other health impairment is ten (10);
- (h) specific learning disability is ten (10); and
- (i) visual impairment is eight (8).

"Class size for resource classes" means the number of children with disabilities assigned to a teacher of exceptional children per period, block, or the specified length of the time set by the individual school. (Chapter 1, Definitions)

Placement for Children with Autism, Deaf-blindness and Developmental Delay

Children with disabilities that meet the definition of autism; deaf-blindness; developmental delay for ages six (6), seven (7), and eight (8); and traumatic brain injury shall be served in regular classes, special classes, or resource classes as determined by the ARC.

Caseload of the Teacher Serving in a Collaborative Model

If a teacher of exceptional children provides services through the collaborative model, the maximum caseload shall not exceed twenty (20) children with disabilities for secondary, and fifteen (15) children with disabilities for primary.

Waiver of Caseload or Class size Limits

Pursuant to KRS 157.360, if caseload for special classes or class size for resource classes exceeds the maximum specified in this section for thirty (30) days, a LEA shall submit a waiver request to the Kentucky Department of Education.

The caseload for each teacher of children with disabilities facilitates children with disabilities in attaining goals and outcomes required in the KY Program of Studies through the mastery of IEP goals and objectives. KLEA operates each special education class according to membership requirements for each disability and class plan.

Children who are determined to be eligible for specially designed instruction and related services are served in special education classes, resource classes, or regular classes as determined by the ARC and based upon the implementation of the IEP. If a school council and principal determine a school has insufficient staff to meet the needs specified on an IEP, then the principal contacts the DoSE according to procedures in Chapter VI, CSPD.

If a teacher of children with disabilities is employed less than full time to provide specially designed instruction and related services, or provides instructional services for children without disabilities, the DoSE and the building principal adjust the teacher's special education class size and caseload proportionately.

If a caseload or a class size exceeds the maximum specified in regulation for thirty (30) days, the principal or the school council submits a written request to the Superintendent, who then requests an exemption or waiver from the State Board of Education as allowed by KRS 157.360 and KRS 156.160(2) according to directions provided by the KDE.

A request for an exemption or waiver includes the specific reasons for the increased caseload or class size and a plan for reducing the caseload or class size prior to the beginning of the next school year. The DoSE prepares the request on a form provided by DECS, and the

Superintendent submits the request for the waiver to the Division of Exceptional Child Services (DECS) for approval according to instructions from the KDE.

Copies of correspondence and copies of the approval or rejection by the DECS are maintained in the office of the DoSE. The DoSE sends a copy of DECS's response to the waiver request to the principal.

SECTION 3. CASE LOAD FOR RESOURCE TEACHERS.

Caseload for resource teachers refers to the maximum number of student records for whom a teacher can be assigned. A LEA shall make those assignments based on the following:

- (a) emotional-behavioral disability is fifteen (15);
- (b) functional mental disability is ten (10);
- (c) hearing impairment is eight (8);
- (d) mild mental disability for primary is fifteen (15) and for secondary is twenty (20);
- (e) multiple disabilities is ten (10);
- (f) orthopedic impairment is twenty (20);
- (g) other health impairment is twenty (20);
- (h) specific learning disability for primary is fifteen (15) and for secondary is twenty (20); and
- (i) visual impairment is ten (10).

The caseload for each teacher of children with disabilities facilitates children with disabilities in attaining goals and outcomes required in the KY Program of Studies through the mastery of IEP goals and objectives. KLEA operates each special education class according to membership requirements for each disability and class plan. See Section 2 for the waiver process that must be utilized when the caseload for resource teachers exceeds these limits.

PLACEMENT DECISION RESOURCES

OSEP and IDEA Partnership Approved Materials:

All materials may be accessed at the following web site:

OSEP-Reviewed IDEA '97 Materials

<http://www.nichcy.org/idealists.htm>

Improving Education: The Promise of Inclusive Schooling

National Institute for Urban School Improvement, 2000

This is a short booklet developed to explain inclusion to general educators and families. It includes principles of instruction, and is available in English and Spanish.

Graduation with a Regular Diploma

Office of Special Education Programs (OSEP), U.S. Department of Education, 1999

This Topic Brief looks at the provisions proposed in the Notice of Public Rulemaking (NPRM) with respect to graduation with a regular diploma, the comments received during the public comment period, and the changes that were made and released in the final regulations.

Relevant KY Statutes and Regulations:

KRS 157.360 Base Funding Level; Enforcement of Maximum Class Size

KRS 156.160 Promulgation of administrative regulations / Waivers

KRS 158.140 High School Diploma

KRS 159.010 Notification and Counseling prior to withdrawal; Encouragement to reenroll after withdrawal.

KRS 158.060 School Month and School Day

KRS 159.030 Exemption from Compulsory Attendance

Pertinent Case Law (in order by date of decision):

School Committee of the Town of Burlington, Massachusetts, Et. Al. V. Department of Education of Massachusetts, Et. Al., 471 U.S. 359 (1985), 105 S. Ct. (1996) (IDELR 556:389)

The United States Supreme Court in held that a parents violation of the Education of the Handicapped Act by placing their child with a disability in a private school without the consent of local school authorities during the pendency of proceedings to review a contested proposed IEP does not constitute a waiver of the parents' right to reimbursement for expenses of the private placement; however if the courts ultimately determine that the proposed IEP was appropriate, the parents would be barred from obtaining reimbursement for any interim period. Thus, parents may receive reimbursement for tuition for a unilateral private school placement if the public school district did not provide an appropriate IEP or FAPE and the private school is an appropriate placement.

The complete text of the decision is available at:

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl? court=US&vol=471&invol=359>

Honig v. Doe; 484 U.S. 305, 311; U.S. Supreme Court ; January 20, 1988
(from the U.S. Court of Appeals, Ninth Circuit, No. 86-728)

This case was decided under the Education of the Handicapped Act . The "stay put" provision was supported in this case involving two violent, emotionally disturbed students. The IDEA amendments of 1997 both affirmed Honig and, at the same time, provided procedural modifications of "stay put" under certain circumstances.

The complete text of the decision is available at:

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=484&page=305#305>

Daniel O. v. Missouri State Board of Ed.; No. 99-2792; U.S. Court of Appeals for the Eighth Circuit ;April 19, 2000 (30 IDELR 588)

The school district may require a parent or other qualified adult be present during homebound instruction. The school district and instructor refused to administer medications, requiring the available parent or other qualified adult to be responsible. The court agreed with the school district.

The complete text of the decision is available in pdf format at:

<http://www.ca8.uscourts.gov/opndir/00/04/992792U.pdf>